

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

JAMES E. WASHINGTON, ) CV F 05-0480 OWW WMW HC  
Petitioner, ) ORDER DENYING  
v. ) EX PARTE MOTION  
PAUL M. SCHULTZ, ) [Doc. 10]  
Respondent. )

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On May 17, 2005, Petitioner filed a motion entitled, “Ex Parte Motion for Objection to the Magistrate Judge Substitution of Respondent, and Request for Entry of Judgment of Nil Capiat Per Breve or in the Alternative Entry of Default According Wales Default Rule.” Petitioner’s motion is premised on his belief that the court has substituted Thomas Edwin Flynn as Respondent in this case. Petitioner is incorrect.

The court did not substitute Thomas Edwin Flynn as Respondent. Paul M. Schultz remains Respondent in this case. Mr. Flynn was served with copies of court orders because

1 he is the attorney of record for Respondent.

2 The court finds, therefore, that Petitioner's motion is utterly meritless. Accordingly,  
3 Petitioner's motion filed May 17, 2005, is HEREBY DENIED.

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7 IT IS SO ORDERED.

8 **Dated: May 24, 2005**  
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10 /s/ William M. Wunderlich  
11 UNITED STATES MAGISTRATE JUDGE

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